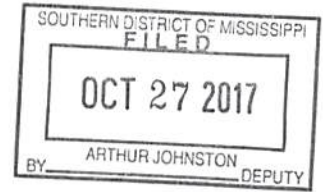


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



JULIAN JERNIGAN

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:17-cv-861 WHB-JCG

WAL-MART STORES, INC.
JOHN DOES 1 THROUGH 8

DEFENDANTS

NOTICE OF REMOVAL

TO: Kenya R. Martin
KENYA R. MARTIN, LLC
5709 Highway 80 West
Jackson, Mississippi 39209
Telephone: (601) 923-1577
Fax: (601) 923-1579
Email: KRMartin@4MartinsAtLaw.com

ATTORNEY FOR PLAINTIFF

Zack Wallace
P.O. Box 327
Jackson, Mississippi 39205

HINDS COUNTY CIRCUIT CLERK

Pursuant to 28 U.S.C. §§1332, 1441, and 1446, Defendant Wal-Mart Stores, Inc., hereby removes the above-styled action, *Julian Jernigan v. Wal-Mart Stores, Inc., et al.*, from the Circuit Court for the First Judicial District of Hinds County, Mississippi to the United States District Court for the Southern District of Mississippi, Northern Division. Removing Defendant respectfully states unto the Court the following:

1.

In his Complaint, filed in this action, a copy of which is attached as Exhibit "A," Plaintiff Julian Jernigan seeks to recover damages based on theories of negligence. Generally, Plaintiff

alleges that Wal-Mart and/or unnamed employees negligently failed to maintain its premises in a reasonably safe condition, warn him of any dangerous conditions, and to conduct reasonable inspections to discover dangerous conditions, among others, existing on the premises of Wal-Mart.

2.

The Circuit Court for the First Judicial District of Hinds County, Mississippi, is within the United States District Court for the Southern District of Mississippi, Northern Division, to which this action is removable.

3.

The Plaintiff first filed his Complaint on September 18, 2017, and Defendant Wal-Mart was served with the Complaint on or about October 18, 2017. Thus, this notice of removal is timely filed pursuant to 28 U.S.C. § 1446(b)(1) as it is filed within thirty (30) days of the receipt by Defendant of the Plaintiff's initial Complaint setting forth the claims for relief.

4.

On the face of the Complaint, complete diversity exists between the parties to this action. As the Complaint states, the Plaintiff is an adult resident citizen of Mississippi. *See*, Exhibit "A," at p. 1. Removing Defendant, Wal-Mart, is incorporated in the State of Delaware, with its principal place of business in the State of Arkansas.

5.

The allegations and nature of the demand in the Complaint seek damages in an amount not to exceed \$500,000. *See*, Exhibit "A." Consequently, the amount in controversy, exclusive of interest and costs, in this action exceeds the jurisdictional requirement of \$75,000. 28 U.S.C. §1332. *See*, Exhibit "A."

6.

By filing this notice of removal, Defendant does not waive any defenses and expressly reserves any and all available defenses.

7.


Pursuant to 28 U.S.C. §1446(d), a copy of this notice of removal is being filed forthwith the Circuit Court for the First Judicial District of Hinds County, Mississippi, and is being provided to all known counsel for Plaintiff.

8.

Pursuant to the Uniform Local Rules, Rule 5(b), a complete certified copy of the entire state court record is attached hereto as Exhibit "B."

WHEREFORE, this matter, filed in the Circuit Court for the First Judicial District of Hinds County, Mississippi, is hereby removed to this Court, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

RESPECTFULLY SUBMITTED, this the 27th day of October, 2017.


JENNIFER M. STUDEBAKER (MSB #10433)
SIMINE BAZYARI REED (MSB # 101259)
JOSHUA A. LEGGETT (MSB #103901)

ATTORNEYS FOR WAL-MART STORES, INC.

OF COUNSEL:

FORMAN WATKINS & KRUTZ LLP
210 East Capitol Street, Suite 2200
Jackson, Mississippi 39201-2375
Telephone: (601) 960-8600
Facsimile: (601) 960-8613

CERTIFICATE OF SERVICE

I, the undersigned attorney, on behalf of Defendant Wal-Mart Stores Inc., do hereby certify that I have served by United States mail, postage prepaid, a true and correct copy of the above and foregoing document to Plaintiff's Counsel of Record at his usual business address:

Kenya R. Martin, Esq.
KENYA R. MARTIN, LLC
5709 Highway 80 West
Jackson, Mississippi 39209
Telephone: (601) 923-1577
Fax: (601) 923-1579
Email: KRMartin@4MartinsAtLaw.com

ATTORNEY FOR PLAINTIFF

This the 27th day of October, 2017.


JENNIFER M. STUDEBAKER